



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Lynn A. Doucette-Stamm and David Bush

Application No.:

10/617,320

Group:

1631

Filed:

July 10, 2003

Examiner:

Zhou, Shubo

Confirmation No.:

8003

For:

NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING  
TO *STREPTOCOCCUS PNEUMONIAE* FOR DIAGNOSTICS  
AND THERAPEUTICS

## CERTIFICATE OF MAILING OR TRANSMISSION

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12/13/03

Date

Jennifer Warner

Signature

Jennifer Warner

Typed or printed name of person signing certificate

REQUEST FOR CHANGE OF DOCKET NUMBER  
AND CORRECTED FILING RECEIPT

Customer Correction Office  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicants' Attorney requests that the docket number of record for the above-referenced case be changed to 3687.1000-004. This request is made to better identify this application within our offices.

In addition, please correct the Filing Receipt to include the following corrections:

Under "Domestic Priority data as claimed by applicant," please change "This application is a DIV of 09/107,433" to "This application is a CON of 09/107,433".

A copy of a Second Preliminary Amendment requesting an amendment to the specification to correct the priority information is being filed concurrently herewith and is attached to this request.

Further, please correct the Filing Receipt to include the Customer Number and Correspondence Address as filed in the Revocation of Powers of Attorney and Appointment of New Attorneys and/or Agents and Change of Correspondence Address on June 22, 2004, a copy of which is attached.

Enclosed are copies of the Filing Receipt with changes noted in red.

Pursuant to instructions in the February 29, 2000 O.G., we hereby request that the errors which are identified above be corrected in the captioned application to which this request for correction is directed. Please provide a corrected Filing Receipt indicating the new attorney docket number, corrected priority information and change of correspondence and new customer number. It is understood that the Patent Office will issue an automatically-generated, corrected Filing Receipt in this and, if applicable, any other affected applications.

Please charge Deposit Account No. 08-0380 for any fees that may be due in this matter. One additional copy of this document is enclosed for accounting purposes.

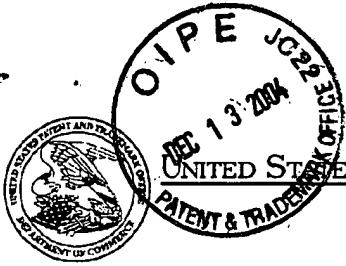
Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

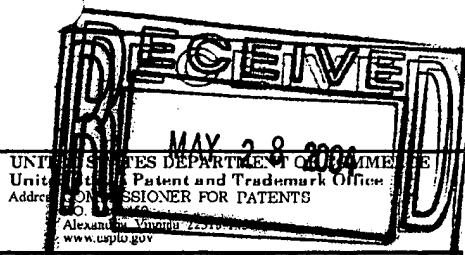
By Mary K. Murray  
Mary K. Murray  
Registration No. 47,813  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Date: December 9, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE



APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/617,320	07/10/2003	1645	1398	-GTC03-02- 3687.1000-004		28	9

021005

Robert L. Spadafora Hamilton, Brook, Smith & Reynolds, P.C.  
 Genome Therapeutics Corporation 530 Virginia Road  
 100 Beaver Street P.O. Box 9133  
 Waltham, MA 02453 Concord, Massachusetts 01742-9133

CONFIRMATION NO. 8003

UPDATED FILING RECEIPT



\*OC000000012782448\*

Date Mailed: 05/26/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

#### Applicant(s)

Lynn A. Doucette-Stamm, Framingham, MA;  
 David Bush, Somerville, MA;

#### Domestic Priority data as claimed by applicant

<sup>CON</sup>  
 This application is a DIV of 09/107,433 06/30/1998  
 which claims benefit of 60/051,553 07/02/1997  
 and claims benefit of 60/085,131 05/12/1998

#### Foreign Applications

If Required, Foreign Filing License Granted: 11/07/2003

Projected Publication Date: 09/02/2004

Non-Publication Request: No

Early Publication Request: No

#### Title

Nucleic acid and amino acid sequences relating to streptococcus pneumoniae for diagnostics and therapeutics

**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

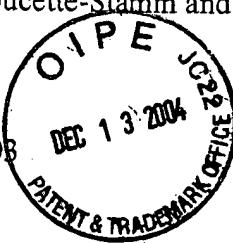
**COPY**

Applicants: Lynn A. Doucette-Stamm and David Bush

Application No.: 10/617,320 Group: 1631

Filed: July 10, 2003 Examiner: Zhou, Shubo

Confirmation No.: 8003



For: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO  
*STREPTOCOCCUS PNEUMONIAE* FOR DIAGNOSTICS AND  
THERAPEUTICS

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12/9/04 Jennifer Warner  
\_\_\_\_\_  
Jennifer Warner \_\_\_\_\_  
\_\_\_\_\_  
Date Signature  
Typed or printed name of person signing certificate

SECOND PRELIMINARY AMENDMENT

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please amend the application as follows:

**Amendments to the Specification**

Please replace the paragraph at page 1, line 5 with the following amended paragraph:

This application is a continuation ~~a divisional~~ of U.S. Application No.: 09/107,433, filed June 30, 1998, which claims priority of U.S. provisional applications 60/051,553, filed July 2, 1997; and ~~60/085131~~ 60/085,131 filed May 12, 1998, all of which are hereby incorporated herein by reference in their entirety.

REMARKS

The amendment to the specification is made to correctly identify the above-referenced application as a continuation application of U.S. Application No. 09/107,433, filed June 30, 1998, to which the above-referenced application claims priority. No new matter has been added. Entry is respectfully requested.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mary K. Murray  
Mary K. Murray  
Registration No.: 47,813  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated:

*December 9, 2004*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Lynn A. Doucette-Stamm and David Bush  
Application No.: 10/617,320 Group Art Unit: 1645  
Filed: July 10, 2003 Examiner: Not Yet Assigned  
Confirmation No.: 8003  
Title: NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO  
STREPTOCOCCUS PNEUMONIAE FOR DIAGNOSTICS AND  
THERAPEUTICS

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6/22/04 Jennifer Weeden

Date

Signature

Jennifer Weeden

Typed or printed name of person signing certificate

REVOCATION OF POWERS OF ATTORNEY  
AND APPOINTMENT OF NEW ATTORNEYS AND/OR AGENTS  
AND CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Aventis Pasteur Ltd., a Corporation duly organized under the laws of Ontario, Canada, is  
the assignee of the entire right, title and interest in the above-identified application. Aventis  
Pasteur Ltd. hereby appoints the attorneys and/or agents associated with:

Customer No. 021005  
Hamilton, Brook, Smith & Reynolds, P.C.  
530 Virginia Road  
P.O. Box 9133  
Concord, Massachusetts 01742-9133

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10/617,320

-2-

COPY

to prosecute the above-identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

A Statement under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Customer No. 021005, Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. Please direct all telephone calls to Doreen M. Hogle at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,  
AVENTIS PASTEUR LTD.

By John E. Parrish  
John E. Parrish

Title Corp. V.P. - Intellectual Property

Date 17 July 2004

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COPY

Docket No. GTC03-02 (3687.1000-004)

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Inventors: Lynn A. Doucette-Stamm and David Bush

Application No./Patent No.: 10/617,320 Filed/Issue Date: July 10, 2003

For: Nucleic Acid and Amino Acid Sequences Relating to *Streptococcus Pneumoniae* for Diagnostics and Therapeutics

Aventis Pasteur Ltd.

(Name of Assignee)

a Corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A.  the assignee of the entire right, title and interest in the patent application identified above; or  
B.  an assignee together with [ ] of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

OR

B.  A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: Lynn A. Doucette-Stamm and David Bush To: Genome Therapeutics Corporation  
The document was recorded in the United States Patent and Trademark Office at Reel 010210, Frame 0892-0899, or a copy thereof is attached.
2. From: Genome Therapeutics Corporation To: Aventis Pasteur Ltd.  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_ or a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 17 June 2004

Name: John E. Parrish

Title: Corp. Mgr. - Intellectual Property

Signature: John E. Parrish

ASSIGNMENT

**COPY**

WHEREAS, by virtue of Assignments recorded in the United States Patent and Trademark Office, Genome Therapeutics Corporation ("ASSIGNOR") of 100 Beaver Street, Waltham, Massachusetts 02453, is the owner of certain patent applications as follows:

Application No.	Filing Date	Reel/Frames
60/051,553	July 2, 1997	010210/0822-0828
60/085,131	May 12, 1998	010210/0480-0487
09/107,433	June 30, 1998	010210/0892-0899
09/583,110	May 26, 2000	011422/0548-0554
10/617,320	July 10, 2003	
10/640,833	August 14, 2003	

WHEREAS, Aventis Pasteur Ltd ("ASSIGNEE"), of 1755 Steeles Avenue West, Toronto, Ontario, Canada M2R 3T4, is desirous of acquiring from Genome Therapeutics Corporation an ownership right, title and interest in, to and under the Patent Applications listed on the Attachment, and the inventions therein described and claimed.

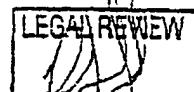
NOW, therefore, for good and valuable consideration, the receipt of which is hereby acknowledged, Genome Therapeutics Corporation hereby sells, transfers and conveys its ownership right, title and interest in, to and under said Patent Applications referenced herein and the invention therein described and claimed to Aventis Pasteur Ltd to the full end of the term for which Letters Patent may be granted and hereby authorizes and requests the Commissioner of Patents and Trademarks to issue said Letters Patent when granted to Aventis Pasteur Ltd as the assignee of an ownership right, title and interest in, to and under the same.

ASSIGNOR further agrees that Assignor will, without demanding any further consideration therefor, at the request but at the expense of Assignee, do all lawful and just acts, including the execution and acknowledgment of instruments, that may be or become necessary for obtaining, sustaining, or reissuing said Letters Patent as may be granted from said Patent Application, and for maintaining and perfecting Assignee's right to said Letters Patent.

Genome Therapeutics Corporation

By \_\_\_\_\_

Date \_\_\_\_\_



Date April 24, 2004

Attest John A. Karsse

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**COPY**

State/Commonwealth of Massachusetts

County of Middlesex

Then personally appeared before me the above-named Stephen Cohen, and acknowledged that he is an officer of said corporation, that he executed the foregoing instrument on behalf of such corporation with authority to do so, and that signing of the instrument is the free act and deed of the corporation.

Dated this 24th day of April, 2004.

Carolyn A. Grasso Notary Public

(SEAL)

Carolyn A. Grasso (print name)

My Commission expires 3/15/2010

@IPFDesktop:ODMA/MHODMA/HBSR05.iManage:453932;1

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